

**REMARKS/ARGUMENTS**

**1.) Status of Claims**

The Applicants have amended claims 29-32, 36-38, 41-43, and 45-52; claims 1-28, 33-35, 39, 40, and 44 have been canceled; and claim 54 has been added. Accordingly, claims 29-32, 36-38, 41-43, and 45-54 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Examiner Objections - Drawings**

In paragraph 1 of the Office Action, the drawings were objected to because in Figs. 3 and 4, the numbered blocks did not have labels. The Applicants have amended the drawings to add labels to the blocks. The withdrawal of the objection and the Examiner's approval of the Replacement Sheets for Fig. 3 and Fig. 4 are respectfully requested.

**3.) Examiner Objections - Abstract**

In paragraph 2 of the Office Action, the Examiner objected to the abstract of the disclosure as not being in proper form. The Applicants note that the abstract was amended into proper U.S. form in the response filed July 15, 2004. The withdrawal of the objection and the Examiner's approval of the previously amended abstract are respectfully requested.

**4.) Examiner Objections - Claims**

In paragraph 3 of the Office Action, the Examiner objected to claims 36 and 39 as being in improper form because of a multiple dependent claim 35 and 38. The Applicants have amended the claims to remove all multiple dependencies. Therefore, the withdrawal of the objection is respectfully requested.

**5.) Claim Rejections – 35 U.S.C. § 103(a)**

In paragraphs 4-5 of the Office Action, the Examiner stated that claims 29 and 31-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yegani, et al, in view of Solondz. Based on the rest of the Office Action, this rejection actually seems to cover claims 29, 31-40, and 42-53. Of these claims, claims 33-35, 39, 40, and 44 have been canceled. The Applicants have amended the remaining claims to better distinguish the claimed invention from Yegani and Solondz. The Examiner's consideration of the amended claims is respectfully requested.

After reviewing Yegani and Solondz, the Applicants realize that the Examiner has misinterpreted the meaning of terms in the claims such as "importance" and "prioritizing". Yegani discloses a priority access channel assignment (PACA) in which call access attempts are assigned a priority, and channels are assigned to the call access attempts based on the assigned priorities. Solondz also discloses processing of call establishment requests in accordance with service priority levels. In the claimed invention, however, this is not what is meant by "importance" and "prioritizing". When the claimed invention talks about the importance of a received uplink signal, it does not mean the priority of the signal, but rather to what extent the uplink signal received in a given base station contributes to a total uplink signal that is received through several base stations and combined. "Prioritizing" then means determining which uplink signals contribute the most to the total uplink signal, or which uplink signals contribute more than a predefined amount.

The claims have been amended to remove the words "importance" and "prioritizing" and more clearly recite the meanings intended. For example, independent claim 29 has been amended to recite a method that includes the steps of determining an amount that each received uplink signal contributes to the resulting signal; determining whether there is a shortage or a projected shortage of resources to handle current or projected traffic demand in each base station; and if there is a shortage or a projected shortage of resources in a given base station, determining whether the uplink signal received by the given base station contributed a greater amount to the resulting signal than most of the other base stations. If the uplink signal received by the given

base station did not contribute a greater amount to the resulting signal than most of the other base stations, the method frees resources from the downlink connection between the given base station and the mobile terminal.

A method in accordance with amended claim 29 is not taught or suggested by Yegani and Solondz. Basis for the amendments to claim 29 is found in the originally filed specification on page 10, lines 16-24; page 11, lines 16-19; and page 14, lines 1-18. Therefore, the allowance of amended claim 29 is respectfully requested.

Claims 31, 32, and 36-38 depend from amended claim 29 and recite further limitations in combination with the novel elements of claim 29. Therefore, the allowance of claims 31, 32, and 36-38 is respectfully requested.

Independent claim 40 has been canceled and rewritten as new claim 54 to more clearly recite the claimed device. Claim 54 recites a device in a base station that includes means for receiving information from a network node regarding an amount that a given uplink signal reported by the base station contributes to a resulting total signal from the given mobile terminal; means for determining whether there is a shortage or a projected shortage of resources to handle current or projected traffic demand in the base station; and means responsive to a determination that there is a shortage or a projected shortage of radio resources, for freeing resources from the radio connection to the given mobile terminal if the uplink signal from the given mobile terminal does not contribute more than a predefined amount to the resulting total signal.

A method in accordance with new claim 54 is not taught or suggested by Yegani and Solondz. Basis for new claim 54 is found in the originally filed specification on page 10, lines 16-24; page 11, lines 16-19; and page 14, lines 1-18. Therefore, the allowance of new claim 54 is respectfully requested.

Claims 41-43 and 45-47 depend from claim 54 and recite further limitations in combination with the novel elements of claim 54. Therefore, the allowance of claims 41-43 and 45-47 is respectfully requested.

Amended independent claim 48 recites a mobile communication network that controls network resources in the same manner discussed above for claims 29 and 54. Therefore, the allowance of amended claim 48 is respectfully requested for the same reasons.

Amended independent claim 49 recites a node in a cellular radio network for controlling network resources in the same manner discussed above for claims 29, 54, and 48. Therefore, the allowance of amended claim 49 is respectfully requested for the same reasons.

Claims 50-53 depend from amended claim 49 and recite further limitations in combination with the novel elements of claim 49. Therefore, the allowance of claims 50-53 is respectfully requested.

In paragraph 6 of the Office Action, the Examiner rejected claims 30 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Yegani, et al, in view of Solondz, and further in view of Shurvinton. The Applicants contend that the amendments discussed above to the independent claims to overcome the rejection based on Yegani and Solondz also distinguish the claimed invention from Yegani, Solondz and Shurvinton. Claims 30 and 41 depend from base claims 29 and 54, respectively, and recite further limitations in combination with the novel elements of claims 29 and 54. Therefore, the allowance of claims 30 and 41 is respectfully requested.

#### **6.) Prior Art Not Relied Upon**

In paragraph 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon (Linneweh, Jr.) is considered pertinent to the Applicants' disclosure. However, this reference also relates to processing of communications based on assigned priority. As noted above, the claimed invention controls resources based on each connections contribution to the total signal, not an assigned priority.

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 29-32, 36-38, 41-43, and 45-54.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figs. 3 and 4. These sheets, which include Figs. 3 and 4, replace the original sheets including Figs 3 and 4.

Attachment: Replacement Sheets (2)